

Canada at the nearest point to the place of seizure or elsewhere as the officials of the United States seizing the same and the authorized officials of Canada may agree upon, and the witnesses and proof necessary to the prosecution of said persons and vessels of Canada shall be furnished with reasonable promptitude to the authorities of Canada having jurisdiction thereof.

Seizure, forfeiture, etc., of vessels employed in violations.

SEC. 9. SEIZURE AND FORFEITURE.—Every vessel, boat, or craft employed in any manner in violating this Act shall be seized by any collector, surveyor, inspector, officer of a revenue cutter, or person specified in section 7 hereof, and except as provided in section 8 hereof, every such vessel, boat, or craft, including its tackle, apparel, furniture, cargo, and stores, shall be forfeited to the United States by proper proceedings in any court of the United States in Alaska, California, Oregon, or Washington.

Fisheries Commission exempt when in scientific investigations.

SEC. 10. FISHERIES COMMISSION EXEMPTION.—None of the inhibitions contained in this Act shall apply to the International Fisheries Commission when engaged in any scientific investigation.

International Fisheries Commission. Authorized amount for expenses.

SEC. 11. APPROPRIATION.—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 for the fiscal year 1925 for the salaries and expenses of the International Fisheries Commission.

Duration. Post, pp. 1024, 1941.

SEC. 12. DURATION OF ACT.—This Act shall take effect immediately and continue in force until the termination of the convention concluded by the United States and Great Britain on March 2, 1924, for the protection of the halibut fishery of the northern Pacific Ocean.

Approved, June 7, 1924.

June 7, 1924.
[H. R. 4088.]
[Public, No. 268.]

CHAP. 346.—An Act To establish the Upper Mississippi River Wild Life and Fish Refuge.

Upper Mississippi River Wild Life and Fish Refuge Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act."

Lands to be acquired. Location.

SEC. 2. The Secretary of Agriculture is authorized and directed to acquire by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are subject to overflow by such river and which are not used for agricultural purposes, as he determines suitable for the purposes of this Act.

Area made part of refuge.

SEC. 3. Any such area, when acquired in accordance with the provisions of this Act, shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (hereinafter in this Act referred to as the "refuge"). The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life.

Purposes.

For migratory birds. Vol. 39, p. 1702.

Other wild birds, game animals, flowers, etc.

Assent of legislatures.

SEC. 4. (a) No such area shall be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under this Act has consented to the acquisition of such part by the United States for the purposes

of this Act, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act.

SEC. 5. Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this Act.

SEC. 6. No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon.

SEC. 7. Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce.

SEC. 8. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant to this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this Act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

Title, etc., to be secured.

Easements permitted.

Conditions.

Regulations, etc.

Prohibitions.

Unauthorized entrance.

Disturbing, etc., any animal life on refuge.

Removing flowers, plants, nests, etc.

Injuring, etc., any property.

Commercial fishing permitted.

Authority of employees for enforcement.

Arrest, etc., without warrant.

Execute warrants, etc.

Make searches.

Issue of warrants by judges or commissioners.

Summary seizures.

Report to district attorney.

Proceedings in court.

Release if no forfeiture proceedings in reasonable time.

Expenditures authorized for construction, etc.
Post, p. 1047.

Amounts authorized to be appropriated for expenditures.
Post, p. 842.

Amount authorized for acquiring areas.
Post, p. 842.

Conditions.

Post, p. 1354.

Punishment for violations.

Meaning of "person."

No exemption of laws for improvement, etc., of Mississippi River.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 11, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized.

SEC. 9. (a) The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this Act and as may be provided for by Congress from time to time.

(b) For such expenditures there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, \$25,000 of such sum to be available for expenditure by the Secretary of Agriculture and \$25,000 by the Secretary of Commerce.

SEC. 10. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of \$1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas; but no money shall be available for the acquisition of any area until the Secretary of Agriculture has ascertained that all of the areas to be acquired under this Act will be acquired within the amounts appropriated or authorized to be appropriated therefor and at an average price not in excess of \$5 per acre, and not in excess of the average selling price, during the years 1921, 1922, and 1923, of comparable lands within the vicinity of such areas.

SEC. 11. Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 12. As used in this Act the term "person" includes an individual, partnership, association, or corporation.

SEC. 13. Nothing in this Act shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river.

Approved, June 7, 1924.

June 7, 1924.
[H. R. 4442.]

[Public, No. 269.]

CHAP. 347.—An Act To extend the insurance and collect-on-delivery service to third-class mail, and for other purposes.

Postal service.
Vol. 37, p. 558.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirement of section 8 of the Act of August 24, 1912, making